

**LINCOLN, GUSTAFSON & CERCOS**

(SPACE BELOW FOR FILING STAMP ONLY)

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Attorneys for Third-Party Defendant MEDIA FACTORY, INC.

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA

REJECTS SKATE MAGAZINE, INC.,  
WESLEY M. DRIVER, RADIUS MEDIA,  
LLC, and SHAWN ENGLER

CASE NO: C06-02590 CW

Hon. Claudia Wilken

Plaintiffs

v.

ACUTRACK, INC.,

Defendant and Third-Party  
Plaintiff

**JOINT MOTION FOR DISMISSAL  
WITH PREJUDICE; ~~(PROPOSED)~~  
ORDER OF DISMISSAL WITH  
PREJUDICE**

v.

MEDIA FACTORY, INC.,

Third-Party Defendant.

**THE PARTIES TO THE ABOVE-ENTITLED ACTION HEREBY MOVE THE  
COURT AS FOLLOWS:**

1. WHEREAS, the parties, and all of them, have now settled their respective claims against each other and agree to dismiss with prejudice the entire action, including all third party actions, fourth party actions, cross actions, and counterclaims against each other.

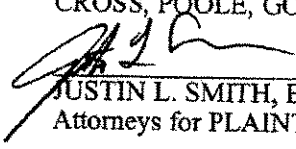
2. WHEREAS, the parties, and all of them, agree that this Court shall retain jurisdiction to enforce the terms of the settlement in the event of a dispute arising from the settlement.

///

1           3.     NOW THEREFORE, pursuant to the settlement of this action, the parties, and all  
2 of them, hereby move this Court to dismiss the entire action with prejudice, including all third  
3 party actions, fourth party actions, cross claims, and counterclaims between the parties to this  
4 action.

5  
6     DATE: May 21, 2007

CROSS, POOLE, GOLDASICH, & FISCHER, LLC

7   
8 JUSTIN L. SMITH, ESQ.  
Attorneys for PLAINTIFFS

9  
10     DATE: May \_\_\_, 2007

HORNER & SINGER, LLP

11  
12 CLIFFORD R. HORNER, ESQ.  
13 KEVIN P. MONTEE, ESQ.  
Attorneys for ACUTRACK

14     Dated: May \_\_\_, 2007

LINCOLN, GUSTAFSON & CERCOS

15  
16 THEODORE R. CERCOS, ESQ.  
17 JILL S. DICKERSON, ESQ.  
Attorneys for MEDIA FACTORY, INC.

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21                   **[PROPOSED] ORDER**

22           For good cause shown, the Joint Motion of the parties to dismiss the entire action with  
23 prejudice, including all third party actions, fourth party actions, cross claims, and counterclaims  
24 between the parties in this action, is hereby granted.

25     IT IS SO ORDERED.

26     DATED: \_\_\_\_\_, 2007

27 HONORABLE CLAUDIA WILKEN  
Judge of the U.S. District Court

1 3. NOW THEREFORE, pursuant to the settlement of this action, the parties, and all  
2 of them, hereby move this Court to dismiss the entire action with prejudice, including all third  
3 party actions, fourth party actions, cross claims, and counterclaims between the parties to this  
4 action.

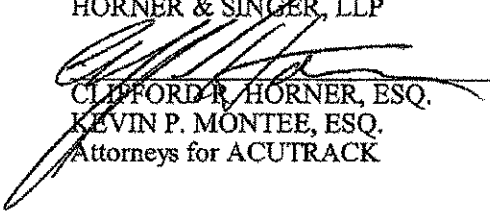
5  
6 DATE: May \_\_\_, 2007

CROSS, POOLE, GOLDASICH, & FISCHER, LLC

7  
8 JUSTIN L. SMITH, ESQ.  
Attorneys for PLAINTIFFS

9  
10 DATE: May 24, 2007

HORNER & SINGER, LLP

11   
12 CLIFFORD R. HORNER, ESQ.  
13 KEVIN P. MONTEE, ESQ.  
Attorneys for ACUTRACK

14 Dated: May 24, 2007

LINCOLN, GUSTAFSON & CERCOS

15   
16 THEODORE R. CERCOS, ESQ.  
17 JILL S. DICKERSON, ESQ.  
Attorneys for MEDIA FACTORY, INC.

18  
19  
20  
21 **~~PROPOSED~~ ORDER**

22 For good cause shown, the Joint Motion of the parties to dismiss the entire action with  
23 prejudice, including all third party actions, fourth party actions, cross claims, and counterclaims  
24 between the parties in this action, is hereby granted.

25 IT IS SO ORDERED.

26 DATED: June 26, 2007

27   
28 HONORABLE CLAUDIA WILKEN  
Judge of the U.S. District Court